

Senate Bill 46

By: Senators Adelman of the 42nd, Wiles of the 37th and Cowser of the 46th

AS PASSED

AN ACT

To amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the Official Code of Georgia Annotated and in Acts of the General Assembly amending the Official Code of Georgia Annotated; to reenact the statutory portion of the Official Code of Georgia Annotated, as amended; to provide for necessary or appropriate revisions and modernizations of matters contained in the Official Code of Georgia Annotated; to repeal portions of the Code and Acts related thereto which have become obsolete; to delete portions of the Code and Acts related thereto which have been superseded by subsequent state laws; to provide for and to correct citations in the Official Code of Georgia Annotated and other codes and laws of the state; to rearrange, renumber, and redesignate provisions of the Official Code of Georgia Annotated; to provide for other matters relating to the Official Code of Georgia Annotated; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Reserved.

SECTION 2.

Reserved.

SECTION 3.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended in:

(1) Code Section 3-6-21.1, relating to licensing of farm wineries to engage in retail and wholesale sales, surety bond, and excise taxes, by adding a colon after "and" at the end of the introductory language of paragraph (1) of subsection (a).

(2) Code Section 3-9-5, relating to the meaning of the term "bona fide nonprofit civic organization," by replacing "26 U.S.C. Sections 501(c), 501(d), or 501(e)" with "subsection (c), (d), or (e) of 26 U.S.C. Section 501".

SECTION 4.

Reserved.

SECTION 5.

Reserved.

SECTION 6.

Reserved.

SECTION 7.

Reserved.

SECTION 8.

Reserved.

SECTION 9.

Reserved.

SECTION 10.

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended in:

- (1) Code Section 10-1-236, which is repealed, by designating said Code section as reserved.
- (2) Code Section 10-1-793, relating to violations in regard to motor vehicle warranty rights, by replacing "'Fair Business Practice Act';" with "'Fair Business Practices Act';" in subsection (a).
- (3) Chapter 8, which is repealed, by designating said chapter as reserved.

SECTION 11.

Reserved.

SECTION 12.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended in:

(1) Code Section 12-6-20, relating to forestry investigators, by replacing "this Code Section" with "this Code section" in subsection (d).

SECTION 13.

Reserved.

SECTION 14.

Reserved.

SECTION 15.

Reserved.

SECTION 16.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in:

(1) Code Section 16-11-34.1, relating to preventing or disrupting General Assembly sessions or other meetings of members and unlawful activities within the state capitol or certain Capitol Square buildings, by inserting a comma after "knuckles" and after "material" in subsection (b).

(2) Code Section 16-11-101, relating to furnishing knuckles or a knife to a person under the age of 18 years, by inserting a comma after "knuckles" and after "material".

(3) Code Section 16-11-126, relating to carrying a concealed weapon, by inserting a comma after "knuckles" in subsection (a).

(4) Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on school property, by inserting a comma after "knuckles" in paragraph (2) of subsection (a).

(5) Code Section 16-11-135, relating to public or private employer's parking lot, right of privacy in vehicles in employer's parking lot or invited guests on lot, severability, and rights of action in regard to carrying and possession of firearms, by replacing "their locked privately owned vehicle" with "his or her locked privately owned vehicle" in paragraph (4) of subsection (c).

(6) Code Section 16-13-30.6, relating to prohibition on the purchase and sale of marijuana flavored products, by replacing "the purpose of this law" with "the purpose of this Code section" in the undesignated text at the end of subsection (b).

SECTION 17.

Reserved.

SECTION 18.

Reserved.

SECTION 19.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended in:

(1) Code Section 19-8-26, relating to how the surrender of parental rights is executed, how and when surrender may be withdrawn, and forms, by deleting the double quotation marks at the beginning and the end of the form in subsection (f).

SECTION 20.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in:

(1) Code Section 20-2-71, relating to the placement of twins or higher order multiples in the same classroom, by replacing "5 days" with "five days" both times it appears in subsection (b).

(2) Code Section 20-2-154.1, relating to alternative education programs, intent, description, and funding, by replacing "community-based" with "community based" in subsection (e).

(3) Code Section 20-2-167, relating to funding for direct instructional, media center, and staff development costs, computerized uniform budget and accounting system, submission of local budget to state board, and provision of certain information by local boards, by replacing "Office of Education Accountability" with "Office of Student Achievement" in paragraph (2) of subsection (b).

(4) Code Section 20-2-168, relating to the distribution of federal funds, combined purchase of supplies and equipment, minimum school year, summer school programs, and year-round operation, by inserting a comma after "sudden" in subparagraph (c)(5)(B).

(5) Code Section 20-2-171, relating to minimum direct classroom expenditures, waivers, sanctions for noncompliance, submission of budget and expenditure information, and rules and regulations, by replacing "January 1, 2006 to add specific non-classroom staff" with

"January 1, 2006, to add specific nonclassroom staff" in paragraph (2) of subsection (a) and by replacing "Acts of God" with "acts of God" in paragraph (4) of subsection (b).

(6) Code Section 20-2-182, relating to Quality Basic Education and program weights to reflect funds for payment of salaries and benefits, maximum class size, reporting requirements, and application to specific school years, by replacing "provided, further," with "provided, however," in paragraph (2) of subsection (i).

(7) Code Section 20-2-217, relating to the State Board of Education professional and staff development stipends, by replacing "the terms 'paraprofessional,' 'aide,' and 'licensed personnel' shall be defined" with "the term 'paraprofessional' shall be defined".

(8) Code Section 20-2-271, relating to regional educational service agencies and development of a regional improvement plan, introduction of core services, instructional care teams, and establishment of alternative methods of teacher certification, by replacing "Educational Coordinating Council." with "Education Coordinating Council." in paragraph (4) of subsection (b).

(9) Code Section 20-2-984.3, relating to educational personnel and the Professional Standards Commission and the preliminary investigations of violations, requirement for automatic investigation, and investigation of sexual offenses, by replacing "as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20," with "as provided for in Code Sections 16-6-1 through 16-6-17 or Code Section 16-6-20," in paragraph (5) of subsection (a) and "as provided for in Code Sections 16-6-1 through 16-6-17, 16-6-20," with "as provided for in Code Sections 16-6-1 through 16-6-17 or Code Section 16-6-20," in subsection (d).

(10) Code Section 20-2-2068.1, relating to charter schools and Quality Basic Education formula and grants, local tax revenue, and funds from local bonds, by replacing "five percent" with "5 percent" in paragraph (1) of subsection (c) and by replacing "nonQBE state grants," with "non-QBE state grants," in subsection (d).

(11) Code Section 20-2-2090, relating to funding for commission charter schools, by replacing "nonQBE state grants," with "non-QBE state grants," in paragraph (2) of subsection (a).

(12) Code Section 20-3-39, relating to reassignment of responsibilities for operation and management of public libraries, employees, transfer of funding, and rules and regulations, by replacing "the Technical College System of Georgia" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia," three times in subsection (a) and by replacing "the Technical College System of Georgia," with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia," in subsection (e).

(13) Code Section 20-3-295, relating to the Georgia Higher Education Assistance Corporation maintaining a certified list of borrowers in default, administrative hearings, and appeals, by replacing "Federal Bankruptcy Code." with "federal Bankruptcy Code." at the end of paragraph (4) of subsection (a) and paragraph (6) of subsection (g).

(14) Code Section 20-3-405.3, relating to the Education for Public Service Student Loan interest rate and recalculation, by replacing "subparagraph (A) of paragraph (2) of subsection (a)" with "subparagraph (a)(2)(A)" in subparagraph (b)(2)(A) and by replacing "subparagraph (B) of paragraph (2) of subsection (a)" with "subparagraph (a)(2)(B)" in subparagraph (b)(2)(B).

(15) Code Section 20-3-431, relating to the definition of an eligible student in regard to the North Georgia College Reserve Officers' Training Corps Grant Program, by replacing "For purposes of this article," with "For purposes of this subpart," at the beginning of the introductory language.

(16) Code Section 20-3-519, relating to definitions in regard to HOPE scholarships and grants, by replacing "Eligible high school," with "Eligible high school," at the beginning of paragraph (6).

(17) Code Section 20-3-519.2, relating to the eligibility requirements for a HOPE scholarship at a public postsecondary institution and scholarship amount, by replacing "the Technical College System of Georgia" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia," in divisions (a)(2)(B)(i) and (a)(2)(C)(i).

(18) Code Section 20-3-519.3, relating to the eligibility requirements for a HOPE scholarship at a private postsecondary institution and scholarship amount, by replacing "the Technical College System of Georgia" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia," in divisions (a)(2)(B)(i) and (a)(2)(C)(i).

(19) Code Section 20-3-519.6, relating to HOPE GED vouchers, by replacing "the Technical College System of Georgia" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia," in subsection (a).

(20) Code Section 20-3-519.12, relating to eligibility for the Promise II teacher's scholarship, amounts, application of scholarship, and no minimal hour enrollment, by replacing "the terms 'paraprofessional' and 'instructional aide' shall have the same meaning as" with "the term 'paraprofessional' shall have the same meaning as" in subsection (a).

(21) Code Section 20-3-660, relating to the creation of a program of postsecondary education grants for foster children and adopted children, terms and conditions, applications,

eligibility, duties of the Division of Family and Children Services, expenses and fees covered, and report by the Education Coordinating Council, by replacing the period with a semicolon at the end of subparagraph (D) of paragraph (1), by replacing "20 U.S.C. Sec. 10871l," with "20 U.S.C. Section 10871l," "42 U.S.C. Secs. 2751-2756b," with "42 U.S.C. Sections 2751-2756b," and the period with a semicolon at the end of subparagraph (B) of paragraph (2), by replacing "general educational development certificate;" with "general educational development (GED) diploma;" in subparagraph (A) of paragraph (3), by replacing the period with a semicolon at the end of subparagraph (C) of paragraph (3), by replacing the period with a semicolon at the end of subparagraph (C) of paragraph (4), by replacing the period with a semicolon at the end of paragraph (5), and by replacing the period with "; and" at the end of paragraph (6).

(22) Code Section 20-4-17, relating to agencies to receive federal funds and transfer of personnel to the Technical College System of Georgia, by replacing "Technical College System of Georgia" with "Department of Technical and Adult Education, now known as the Technical College System of Georgia" in subsections (a) and (b).

(23) Code Section 20-4-25, relating to membership in the retirement system and professional personnel employed on or after July 1, 1985, and nonprofessional personnel employed after July 1, 1987, by replacing "the Technical College System of Georgia" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia," and by replacing "the department" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia,".

(24) Code Section 20-4-26, relating to membership in the retirement system and employees of schools formerly operated by a local board of education or area postsecondary technical education board, by replacing "the department" with "the Department of Technical and Adult Education, now known as the Technical College System of Georgia,".

(25) Code Section 20-4-27, relating to service in the state merit system, by replacing "the system" with "the Technical College System of Georgia".

(26) Code Section 20-5-5, relating to Internet safety policies in public libraries, by replacing "patrons under 18 years of age and library employees" with "patrons under 18 years of age, and library employees" in paragraph (1) of subsection (b).

SECTION 21.

Reserved.

SECTION 22.

Reserved.

SECTION 23.

Reserved.

SECTION 24.

Reserved.

SECTION 25.

Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is amended in:

- (1) Code Section 25-14-3, relating to the Safety Fire Commissioner and standards for testing cigarettes, reports, and exceptions, by replacing "commissioner" with "Commissioner" each time it appears in paragraphs (5) and (8) of subsection (b) and subsections (d) through (g).
- (2) Code Section 25-14-4, relating to written certification in regard to cigarettes, by replacing "commissioner" with "Commissioner" in subsection (e).
- (3) Code Section 25-14-5, relating to the required marking of cigarettes, by replacing "commissioner" with "Commissioner" each time it appears in subsections (c) through (f).
- (4) Code Section 25-14-6, relating to civil penalty and forfeiture in regard to the sale of cigarettes, by replacing "commissioner or Attorney General" with "Commissioner or Attorney General" each time it appears in subsections (f) and (g).
- (5) Code Section 25-14-7, relating to rules and regulations and inspections in regard to the sale of cigarettes, by replacing "The commissioner" with "The Commissioner" in subsection (a) and by replacing "the commissioner" with "the Commissioner" in subsection (b).
- (6) Code Section 25-14-8, relating to enforcement of chapter and cooperation during inspections, by replacing "the commissioner," with "the Commissioner," both times it appears.
- (7) Code Section 25-14-11, relating to the impact of changes in New York safety standards, by replacing "the commissioner" with "the Commissioner".

SECTION 26.

Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, is amended in:

(1) Code Section 26-4-81, relating to substitution of generic drugs for brand name drugs, by deleting subsection (h) which is a duplicate of subsection (e).

(2) Code Section 26-4-118, relating to the Pharmacy Audit Bill of Rights, recoupment of disputed funds, appeals process for unfavorable reports, final audit report, and investigative audits based on criminal offenses, by replacing "as provided for in subsection (c)," with "as provided for in subsection (c) of this Code section," in paragraph (10) of subsection (b).

SECTION 27.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in:

(1) Code Section 27-4-150, relating to the taking, possessing, and dealing in crabs and peelers and required records, by striking the paragraph (1) designation in subsection (a), as paragraph (2) of subsection (a) was automatically repealed on July 1, 2008.

SECTION 28.

Reserved.

SECTION 29.

Reserved.

SECTION 30.

Reserved.

SECTION 31.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in:

(1) Code Section 31-2-9, relating to suicide prevention programs and staffing, by replacing "external cause of injuries;" with "external causes of injury;" at the end of paragraph (8) of subsection (c).

(2) Code Section 31-3-5.2, relating to the definition of "gray water" and lawful use, by replacing "photo labs" with "photography laboratories" in paragraph (3) of subsection (b).

(3) Code Section 31-5A-8, relating to biopharmaceuticals and expedited review for Georgia based companies, by replacing "low income individuals" with "low-income individuals" in paragraph (6) of subsection (a).

(4) Code Section 31-6-2, relating to definitions in regard to the planning and development of state health care services and facilities, by replacing "the Commissioner of the Department of Community Health." with "the commissioner of community health." at the end of

paragraph (9), by replacing "\$2,500,000.00" with "\$2.5 million" in subparagraph (A) and "\$1,000,000.00" with "\$1 million" and "build out costs," with "build-out costs," in subparagraph (B) of paragraph (14), by replacing "the Department of Community Health." with "the department." in paragraph (19), and by replacing "and as appropriate," with "and, as appropriate," in paragraph (28).

(5) Code Section 31-6-20, relating to the Health Strategies Council, by replacing "rural hospitals;" with "hospitals in rural counties;" in paragraph (2) and "urban hospitals;" with "hospitals in urban counties;" in paragraph (3) of subsection (a).

(6) Code Section 31-6-21, relating to the Department of Community Health, by replacing "Board of Community Health." with "board." at the end of both sentences in subsection (a).

(7) Code Section 31-6-40, relating to certificate of need required for new institutional health services and exemption, by replacing "\$2,500,000.00" with "\$2.5 million" in paragraph (2) and "\$1,000,000.00;" with "\$1 million;" in paragraph (3) of subsection (a), by replacing "the Department of Community Health" with "the department" in paragraph (1) and "monies" with "moneys" in the undesignated text at the end of paragraph (2) of subsection (c), and by replacing "service specific" with "service-specific" in subsection (d).

(8) Code Section 31-6-40.1, relating to the acquisition of health care facilities, penalty for failure to notify the department, limitation on applications, agreement to care for indigent patients, requirements for destination cancer hospitals, and notice and hearing provisions for penalties authorized under this Code section, by replacing "\$2,000,000.00" with "\$2 million" both times it appears, "\$4,000,000.00" with "\$4 million", "\$6,000,000.00" with "\$6 million", "\$8,000,000.00." with "\$8 million.", and "any such fine" with "any such fines" in paragraph (1) of subsection (c.1).

(9) Code Section 31-6-41, relating to the scope and term of validity of a certificate of need, by replacing "location, area, cost," with "location, service area, cost," in subsection (a).

(10) Code Section 31-6-45, relating to the revocation of a certificate of need, enforcement of chapter, and regulatory investigations and examinations, by replacing "commissioner of the department" with "commissioner" in subsection (c).

(11) Code Section 31-6-47, relating to exemptions from the chapter, by replacing "\$2,500,000.00;" with "\$2.5 million;" in division (a)(18)(A)(i), by replacing "\$5,000,000.00;" with "\$5 million;" in subparagraph (a)(19)(A), and by replacing "the Department of Community Health;" with "the department;" in division (a)(26)(A)(iii).

(12) Code Section 31-7-13, relating to the transfer of property upon the death of a patient, by replacing "pursuant to Chapter 7 of this title," with "pursuant to this chapter," in the introductory language of subsection (a).

(13) Code Section 31-7-282, relating to collection and submission of health care data, by replacing "specified in paragraphs (1) through (4) of this Code section" with "specified in paragraphs (1) through (3) of this Code section" and by replacing "specified in paragraph (2), (3), or (4) of this Code section" with "specified in paragraph (2) or (3) of this Code section" in the undesignated text at the end.

(14) Code Section 31-7-304, relating to private home care providers and application, license, and license renewal fees or similar fees, by replacing "or a similar fee and the amount" with "or a similar fee; and the amount".

(15) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust Fund Commission, by replacing "for whom a report is made in this chapter" with "for whom a report is made pursuant to this chapter" in subsection (a).

(16) Code Section 31-34-2, relating to the purpose of the "Physicians for Rural Areas Assistance Act," by replacing "under served" with "underserved".

SECTION 32.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended in:

(1) Code Section 32-2-81, relating to the definition of "design-build procedure," procedures for utilization, receipt of letters of interest, limitation on contracting, and summary projects regarding Department of Transportation contracts, by replacing the single quotation marks with double quotation marks before and after "best and final offer" in subparagraph (d)(7)(B).

(2) Code Section 32-4-2, relating to an official map, list, and records and rules and regulations regarding the state highway system, by replacing "World Wide Web page" with "web page" in subparagraph (a)(2)(B).

(3) Code Section 32-5-30, relating to the allocation of state and federal funds, budgeting periods, and authorization of reduction of funds allocated regarding public roads, by replacing "appropriated funds shall be budgeted" with "appropriated funds, shall be budgeted" in paragraph (1) of subsection (a).

(4) Code Section 32-7-4, relating to the procedure for disposition of property, by replacing "governing authority of the county" with "governing authority of the county or municipality" in subparagraph (b)(2)(A).

(5) Code Section 32-10-63, relating to powers of the State Road and Tollway Authority generally, by replacing "to fix their compensation" with "to fix their compensation;" in paragraph (3).

(6) Code Section 32-10-124, relating to the power of the board and meaning of the use of the word "bank" for purposes of this article in regard to the Georgia Transportation Infrastructure Bank, by replacing "required by subparagraph (a)(9)(B) of Code Section 32-10-124;" with "required by subparagraph (B) of paragraph (9) of this subsection;" in paragraph (17) of subsection (a).

SECTION 33.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in:

(1) Code Section 33-63-4, relating to offering, selling, or providing to borrowers guaranteed asset protection waivers, by replacing "the federal Truth in Lending Act, 15 U.S.C. 1601 et seq.," with "the federal Truth in Lending Act, 15 U.S.C. Section 1601, et seq.," in subsection (c).

SECTION 34.

Reserved.

SECTION 35.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended in:

(1) Code Section 35-1-15, relating to fresh pursuit by law enforcement officers, authority and responsibilities of officers, and applicability, by replacing "their respective state" with "his or her respective state" in paragraph (2) of subsection (a), by replacing "law enforcement officer of this state. Provided, however, that" with "law enforcement officer of this state; provided, however, that", and by replacing "Chapter 13 of Title 17 of the Official Code of Georgia Annotated govern" with "Chapter 13 of Title 17 shall govern" in paragraph (2) of subsection (c).

SECTION 36.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended in:

(1) Code Section 36-44-6, relating to the delegation of redevelopment powers to a redevelopment agency, by replacing "Except as provided in subsection (c) of this Code section, the" with "The" in paragraph (5) of subsection (b), as subsection (c) was repealed in 2006.

SECTION 37.

Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended in:

- (1) Code Section 37-1-20, relating to the Division of Mental Health, Developmental Disabilities, and Addictive Diseases, by replacing "federal laws, rules and regulations" with "federal laws and rules and regulations" in paragraph (4) of subsection (b).
- (2) Code Section 37-2-6.3, relating to public body and debts, obligations, and liabilities, by deleting the comma following "not" in subsection (c).

SECTION 38.

Title 38 of the Official Code of Georgia Annotated, relating to military, emergency management, and veterans affairs, is amended in:

- (1) Code Section 38-3-27, relating to local organizations for emergency management, creation, structure, powers, directors, appointment, qualifications, and compensation, state to provide financial assistance, and entitlement for funding, by replacing "To appropriate and expend funds, execute contracts, and to obtain and distribute" with "To appropriate and expend funds, to execute contracts, and to obtain and distribute" in paragraph (1), by replacing "health, medical and related services, and to police," with "health, medical, and related services and to police," in paragraph (5), and by replacing "transportation charges, which are necessary" with "transportation charges which are necessary" in paragraph (6) of subsection (b).

SECTION 39.

Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended in:

- (1) Code Section 39-5-1, relating to definitions regarding on-line Internet safety, by redesignating current paragraph (1) as new paragraph (3) and by redesignating current paragraph (3) as new paragraph (1), so as to put definitions in alphabetical order.

SECTION 40.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in:

- (1) Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice of conviction for persons convicted for second time, and endangering a child, by deleting "or" at the end of paragraph (3), by replacing the period with a semicolon at the end of paragraphs (4) and (5), and by replacing the period with "; and" at the end of paragraph (6) of subsection (c).

(2) Code Section 40-14-25, relating to complaints about traffic-control signal monitoring devices, rebuttable presumption, and remission of revenues, by replacing "attorneys fees" with "attorney fees" in subsection (c).

(3) Code Section 40-14-26, relating to the revoking of a traffic-control signal monitoring device permit, hearing, and reconsideration, by deleting the comma following "permit" in subsection (b).

SECTION 41.

Reserved.

SECTION 42.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended in:

(1) Code Section 42-1-12, relating to the State Sexual Offender Registry, by replacing the commas with semicolons after "hair color" and "eye color" in subparagraph (a)(16)(A), by deleting "provide" in subparagraphs (a)(16)(C) through (a)(16)(F), by deleting the comma following "last registered" in paragraph (5) of subsection (b), and by replacing "registered sexual offender and thereafter the records" with "registered sexual offender; thereafter, the records" in paragraph (5) of subsection (c).

(2) Code Section 42-4-14, relating to the determination of the nationality of a person charged with a felony and confined in a jail facility, by replacing "county, any municipality or a jail" with "county or any municipality or a jail" in subsection (a).

SECTION 43.

Reserved.

SECTION 44.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in:

(1) Code Section 44-5-40, relating to conveyance of future interests or estates, by replacing "construction or other development plans, permits or entitlements" with "construction, or other development plans, permits, or entitlements" and by replacing "shall be descendible, devisable and alienable" with "shall be descendible, devisable, and alienable" in the last sentence.

SECTION 45.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended in:

- (1) Code Section 45-9-81, relating to definitions in regard to the Georgia State Indemnification Fund, by replacing "worker's compensation benefits" with "workers' compensation benefits" in subparagraph (C) of paragraph (6).
- (2) Code Section 45-9-101, relating to definitions in regard to the Temporary Disability Compensation Program, by replacing "worker's compensation benefits" with "workers' compensation benefits" in subparagraph (B) of paragraph (5).
- (3) Code Section 45-12-86, relating to the Governor being authorized to require state agencies to reserve specified appropriations for budget reductions and withhold a percentage of agency allotments to maintain spending within actual revenues, by replacing "the current revenue estimate or which appropriations are based" with "the current revenue estimate on which appropriations are based" in subsection (b).

SECTION 46.

Reserved.

SECTION 47.

Reserved.

SECTION 48.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in:

- (1) Code Section 48-7-1, relating to definitions regarding income taxes, by replacing "division (iii) of subparagraph (A)" with "division (iii) of subparagraph (A) of this paragraph" in subparagraph (C) of paragraph (10).
- (2) Code Section 48-7-27, relating to the computation of taxable net income, by replacing "national guard" with "National Guard" in the introductory language of paragraph (12) of subsection (a) and in subparagraph (a)(12)(B), by replacing the semicolon with a period at the end of subparagraph (b)(10)(A), and by replacing "; and" with a period at the end of subparagraph (b)(10)(B).
- (3) Code Section 48-7-29.9, relating to a tax credit for qualified life insurance premiums for National Guard and Air National Guard members, by replacing "national guard" with

"National Guard" and "air national guard" with "Air National Guard" in paragraphs (2) and (3) of subsection (a).

(4) Code Section 48-7-29.11, relating to income tax credits for teleworking, definitions, and powers and duties, by replacing "December 31st" with "December 31" in paragraph (3) of subsection (e).

(5) Code Section 48-7-29.13, relating to a tax credit for qualified health insurance expenses, by replacing "twelve consecutive months" with "12 consecutive months" in subsection (b).

(6) Code Section 48-7-29.14, relating to income tax credit for clean energy property, by replacing "\$2,500,000.00" with "\$2.5 million" in subparagraphs (b)(3)(A) through (b)(3)(E).

(7) Code Section 48-7-40.15, relating to alternative tax credits for base year port traffic increases and conditions and limitations, by replacing "or twenty-foot equivalent units (TEU's), of product" with "or twenty-foot equivalent units (TEU's) of product" in paragraph (1) of subsection (a).

(8) Code Section 48-7-63, relating to taxpayer contributions to permitted stem cell research through income tax payment and refund process, by replacing "state revenue commissioner," with "commissioner," in subsection (a).

(9) Code Section 48-7A-3, relating to persons entitled to claim tax credit, tax credits schedule, tax credit claimed against tax liability, period for filing claims for credit, applicability to food stamp recipients, and authority of the commissioner, by replacing "under this chapter" with "under Chapter 7 of this title" in paragraph (3) of subsection (a).

(10) Code Section 48-8-2, relating to definitions in regard to general provisions of state sales and use tax, by deleting "or" at the end of subparagraph (J), by replacing the period with a semicolon at the end of subparagraph (K), and by replacing the period with "; or" at the end of subparagraph (L) of paragraph (3), by replacing "the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965' or" with "the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or" in current paragraph (5.2), and by redesignating current paragraph (5.1) as new paragraph (5.2) and current paragraph (5.2) as new paragraph (5.1), respectively.

(11) Code Section 48-8-3, relating to state sales and use tax exemptions, by replacing the period with a semicolon at the end of subparagraph (H) of paragraph (33.1), by replacing the semicolon with a period at the end of subdivision (68)(C)(ii)(II), by replacing the semicolon with a colon at the end of subparagraph (B) of paragraph (73), and by replacing "the effective date of this paragraph" with "June 4, 2003," in paragraph (76).

(12) Code Section 48-8-13, relating to taxing jurisdiction for mobile telecommunications services, by replacing "ZIP code" with "ZIP Code" each time it appears in paragraphs (1) and (6) of subsection (a).

(13) Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax and reimbursement deduction, by replacing "paragraph (5.1) of Code Section 48-8-2," with "paragraph (5.2) of Code Section 48-8-2," in paragraph (4) of subsection (b).

(14) Code Section 48-8-82, relating to the authorization of counties and municipalities to impose a joint sales and use tax, rate, and applicability to sales of motor fuels and food and beverages, by replacing "paragraph (5.2) of Code Section 48-8-2" with "paragraph (5.1) of Code Section 48-8-2".

(15) Code Section 48-8-87, relating to the administration and collection of tax by commissioner, applicability of Article 1 of this chapter, first application of moneys to taxpayers' state tax liabilities, compensation of dealers if payments not delinquent, and rate, by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code Section 48-8-2;".

(16) Code Section 48-8-102, relating to the creation of special districts, levying of tax, use of proceeds of tax, and restriction on levying taxes, by replacing "paragraph (5.2) of Code Section 48-8-2" with "paragraph (5.1) of Code Section 48-8-2" in subsection (b).

(17) Code Section 48-8-104, relating to the exclusive administration of tax by the commissioner, identification of the location where the tax was collected, and manner of disbursement of proceeds, by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code Section 48-8-2;" in subsection (a).

(18) Code Section 48-8-110.1, relating to the authorization for county special purpose local option sales tax, subjects of taxation, and applicability to sales of motor fuels and food and beverages, by replacing "paragraph (5.2) of Code Section 48-8-2" with "paragraph (5.1) of Code Section 48-8-2" in subsection (c).

(19) Code Section 48-8-113, relating the administration and collection of tax by the commissioner, application, and deduction to dealers, by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code Section 48-8-2;".

(20) Code Section 48-8-201, relating to intergovernmental contracts for distribution of tax proceeds, approval of referendum by voters, and a cap on the aggregate amount of tax, by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code Section 48-8-2;" in subparagraph (c)(1)(A).

(21) Code Section 48-8-204, relating the administration and collection of tax and deduction, by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code Section 48-8-2;".

(22) Code Section 48-9-14, relating to a second motor fuel tax, rate, exemptions, and applicability of Article 1 of Chapter 8 of this title, by replacing "paragraph (5.2) of Code Section 48-8-2." with "paragraph (5.1) of Code Section 48-8-2." in subparagraph (b)(2)(A).

(23) Code Section 48-9-16, relating to penalties and interest, untimely return, failure to pay, false or fraudulent returns, failure to file returns, and dyed fuel oil violations, by replacing "subject to a penalty to 10 percent" with "subject to a penalty of 10 percent" in subsection (b).

(24) Code Section 48-11-12, relating to the assessment of deficiencies and penalties for incorrect reports, nonpayment of tax, or purchase of insufficient stamps, assumption of illegal sale absent evidence to contrary, and penalty for deficiency due to fraud, by inserting "or" at the end of subparagraph (a)(1)(B).

(25) Code Section 48-11-30, relating to the penalty for sale or possession of counterfeit cigarettes, by replacing "paragraphs (2) or (4)" with "paragraph (2) or (4)" in subsection (b).

(26) Code Section 48-13-50.2, relating to definitions in regard to excise tax on rooms, lodgings, and accommodations, by replacing "section 501(c)(6)" with "Section 501(c)(6)" in paragraph (1).

(27) Code Section 48-13-50.2, relating to definitions in regard to excise tax on rooms, lodgings, and accommodations, by replacing "regional development centers" with "regional commissions" in paragraph (5).

(28) Code Section 48-13-51, relating to the county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows, by replacing "municipality levying tax;" with "municipality levying the tax;" in subparagraph (b)(5)(A).

SECTION 49.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended in:

(1) Code Section 49-2-13, relating to identifying transportation needs of the elderly and persons with disabilities and alternatives to meet them, by replacing "Any combination of above." with "Any combination of paragraphs (1) through (3) of this Code section." in paragraph (4).

(2) Code Section 49-4-152.5, relating to pharmacy restocking fees, by replacing "pursuant to the 'Utilization of Unused Prescription Drugs Act' in Article 11 of Chapter 4 of Title 26." with "pursuant to Article 11 of Chapter 4 of Title 26, the 'Utilization of Unused Prescription Drugs Act'".

- (3) Code Section 49-4-161, relating to definitions in regard to the Georgia Long-term Care Partnership Program, by replacing "as specified in 42 U.S.C. 1917(b)" with "as specified in 42 U.S.C. Section 1917(b)" in paragraph (4).
- (4) Code Section 49-4-168.1, relating to civil penalties for false or fraudulent Medicaid claims, by striking the comma after "used" in paragraphs (2) and (4), by striking the comma after "program" in paragraph (6), and by striking the commas after "used" and "Georgia" and inserting a comma after "repay" in paragraph (7) of subsection (a).
- (5) Code Section 49-4-168.2, relating to the role of the Attorney General in pursuing cases, civil actions by private persons, special procedures for civil actions by private persons, limitation on participation by a private person, stay of discovery, and receipt of proceeds from civil judgment by a private person and Indigent Care Trust Fund, by replacing "civil action, and shall not be" with "civil action and shall not be" in paragraph (1) of subsection (d).
- (6) Code Section 49-4-168.6, relating to venue, by replacing "multiple defendants, or" with "multiple defendants or" and replacing "can be found, transacts business or commits an act" with "can be found, transacts business, or commits an act".
- (7) Code Section 49-5-131, relating to definitions in regard to the Governor's Office for Children and Families, by deleting the subsection (a) designation, as there are no further subsection designations in this Code section.
- (8) Code Section 49-5-220, relating to legislative findings and intent and the State Plan for the Coordinated System of Care for severely emotionally disturbed children or adolescents, by replacing "The commissioner of the Department of Human Resources" with "The commissioner of human resources" once in subsection (d) and twice in subsection (e).
- (9) Code Section 49-6-60, relating to legislative intent, by replacing "community-based" with "community based" both times it appears.
- (10) Code Section 49-6-62, relating to the establishment of an elderly community care unit, provision of services, annual service plan, implementation plan, annual progress report, fees and contributions, and funding, by replacing "community-based" with "community based" each time it appears in subsections (d) and (e).
- (11) Code Section 49-6-63, relating to the establishment by lead agency of community care service system, certification for benefits, evaluation by assessment team, volunteers, and insurance coverage, by replacing "community-based" with "community based" each time it appears in subsections (e) and (f).

SECTION 50.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended in:

- (1) Code Section 50-5-60.1, which is repealed, by designating said Code section as reserved.
- (2) Code Section 50-5-83, relating to definitions and requirements for the state purchasing card program, by striking "gift cards," in paragraph (8) of subsection (b), which term is redundant of paragraph (7) of subsection (b), and by replacing "20 years imprisonment," with "20 years' imprisonment," in subsections (c) and (d).
- (3) Code Section 50-7-70, relating to legislative findings, definitions, criteria and application process, fee, directional road signs, and rules and regulations regarding agricultural tourist attractions, by replacing "a one time application fee of up to \$250 dollars." with "a one-time application fee of up to \$250.00." in subsection (d).
- (4) Code Section 50-8-61, relating to the prohibited employment of an employee of a center or nonprofit corporation and penalties in regard to conflicts of interest in contract administration under the Department of Community Affairs, by replacing "center" with "commission" each time it appears in subsections (a) and (b).
- (5) Code Section 50-8-62, relating to employee's business transactions with center or nonprofit corporation prohibited and penalties, by replacing "center" with "commission".
- (6) Code Section 50-8-63, relating to disclosure of an employee's business transactions with a local government, exempt transactions, disclosure of loan transactions by a member of a board or advisory committee, and penalties, by replacing "center" with "commission" each time it appears in subsections (a) and (c).
- (7) Code Section 50-8-64, relating to competitive bidding requirements in regard to conflicts of interest in contract administration, by replacing "On or before January 1, 1993, each center" with "Each commission" and "board of directors of the center" with "board of directors of the commission".
- (8) Code Section 50-8-65, relating to the annual report to the Board of Community Affairs, by replacing "center" with "commission" each time it appears.
- (9) Code Section 50-12-31, relating to the creation of the Georgia Arts Alliance, purpose, governing organization, appointment of members of the board of trustees, terms, and advisory committee, by replacing "one of which" with "one of whom" each time the phrase appears in paragraph (1) of subsection (b).
- (10) Code Section 50-13-4, relating to the procedural requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest rule, and legislative override, by replacing "chairmen" with "chairpersons" in paragraph (1) of

subsection (f) and by replacing "the Senate Defense, Science and Technology Committee" with "the Senate Science and Technology Committee" and by replacing "the House Committee on Industry." with "the House Committee on Industrial Relations." in subsection (h).

(11) Code Section 50-16-41, relating to rental agreements without competitive bidding being authorized, limitations, commission charged with managing administrative space of all state entities, standards governing the utilization of administrative space, reassignment of administrative space, and rules and regulations, by replacing "paragraph (2) of Code Section 48-7-40." with "paragraph (2) of subsection (b) of Code Section 48-7-40." in paragraph (2) of subsection (h).

(12) Code Section 50-18-72, relating to the inspection of public records and when public disclosure is not required and disclosure of exempting legal authority, by replacing "pursuant to Article 9" with "pursuant to Article 10" in paragraph (21) of subsection (a).

(13) Code Section 50-32-2, relating to definitions in regard to the Georgia Regional Transportation Authority, by replacing "including but not limited to, the cost" with "including but not limited to the cost" in subparagraph (B) of paragraph (4) and by replacing "which are authorized" with "which is authorized" in paragraph (12).

(14) Code Section 50-32-11, relating to the powers of the Georgia Regional Transportation Authority generally, by replacing "40 U.S.C. Section 4601, et seq.," with "42 U.S.C. Section 4601, et seq.," in paragraph (6) of subsection (a), by replacing "paying in whole or in part, the cost" with "paying in whole or in part the cost" in subparagraph (a)(11)(A), and by replacing "not less than 60 days notice" with "not less than 60 days' notice" in paragraph (33) of subsection (a).

(15) Code Section 50-32-14, relating to the expenditure of state or federal funds regarding the Georgia Regional Transportation Authority, by replacing "as determined by Department of Community Affairs" with "as determined by the Department of Community Affairs".

(16) Code Section 50-32-15, relating to the issuance of bonds regarding the Georgia Regional Transportation Authority, by replacing "or the Georgia Rail Passenger Authority for the benefit" with "or the Georgia Rail Passenger Authority, for the benefit" in subsection (c).

(17) Code Section 50-36-1, relating to verification requirements, procedures, and conditions, exceptions, regulations, and criminal and other penalties for violations regarding lawful presence within the United States, by replacing "every agency or a political subdivision" with "every agency or political subdivision" in subsection (a) and by replacing "federal

Immigration and Nationality Act" with "federal Immigration and Nationality Act, Title 8 U.S.C., as amended," in paragraph (2) of subsection (d).

SECTION 51.

Reserved.

SECTION 52.

Reserved.

SECTION 53.

Reserved.

SECTION 54.

Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations as contained in the Official Code of Georgia Annotated published under authority of the state by The Michie Company in 1982 and contained in Volumes 3 through 40 of such publication or replacement volumes thereto, as amended by the text and numbering of Code sections as contained in the 2008 supplements to the Official Code of Georgia Annotated published under authority of the state in 2008 by LEXIS Publishing, are reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia. Annotations; editorial notes; Code Revision Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings, except as otherwise provided in the Code; catchlines of Code sections or portions thereof, except as otherwise provided in the Code; and rules and regulations of state agencies, departments, boards, commissions, or other entities which are contained in the Official Code of Georgia Annotated are not enacted as statutes by the provisions of this Act. Material which has been added in brackets or parentheses and editorial, delayed effective date, effect of amendment, or other similar notes within the text of a Code section by the editorial staff of the publisher in order to explain or to prevent a misapprehension concerning the contents of the Code section and which is explained in an editorial note is not enacted by the provisions of this section and shall not be considered a part of the Official Code of Georgia Annotated. The reenactment of the statutory portion of the Official Code of Georgia Annotated by this Act shall not affect, supersede, or repeal any Act of the General Assembly, or portion thereof, which is not

contained in the Official Code of Georgia Annotated and which was not repealed by Code Section 1-1-10, specifically including those Acts which have not yet been included in the text of the Official Code of Georgia Annotated because of effective dates which extend beyond the effective date of the Code or the publication date of the Code or its supplements. The provisions contained in other sections of this Act and in the other Acts enacted at the 2009 regular session of the General Assembly of Georgia shall supersede the provisions of the Official Code of Georgia Annotated reenacted by this section.

SECTION 55.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval; except that:

- (1) The amendments to Chapter 14 of Title 25 made by paragraphs (1) through (7) of Section 25 of this Act shall become effective on January 1, 2010;
- (2) The amendment to paragraph (5) of Code Section 48-13-50.2 made by paragraph (27) of Section 48 of this Act shall become effective on July 1, 2009; and
- (3) The amendments to Chapter 8 of Title 50 made by paragraphs (4) through (8) of Section 50 of this Act shall become effective on July 1, 2009.

SECTION 56.

All laws and parts of laws in conflict with this Act are repealed.